

**UNITED STATES DISTRICT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

RICHARD J. WHITMORE,

Plaintiff,

v

Case No. 2:06-cv-10042
Honorable Paul D. Borman

JOHN CUMMINGS and STEVEN LAW

Defendants.

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PRIVACY ACT ORDER

At a session of said Court held on 5/1/07

PRESENT: Hon. PAUL D. BORMAN

Defendants have subpoenaed records involving a “color of law” investigation from the Federal Bureau of Investigation. The FBI has advised Defendants that they can not release such records without this Order of the Court.

The Court finds: That the Defendants’ need for the investigative materials outweighs the Privacy Act, 5 U.S.C. § 552a, interests involved.

THEREFORE, IT IS ORDERED that the FBI may produce investigative materials to the extent that they may be authorized to do so by the Department of Justice in accordance the applicable Federal regulations, 28 C.F.R. § 15.22.

IT IS FURTHER ORDERED that to the extent that production of the FBI investigative materials may result in the disclosure of information protected from non-consensual distribution by the Privacy Act, the FBI is hereby authorized to disclose such information and shall not be found to have violated the Privacy Act by such disclosures.

The Defendants will provide a complete copy of whatever FBI records are received to Plaintiff's counsel.

s/PAUL D. BORMAN
HON. PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Approved as to form:

s/William G. Pierson
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s/with consent of Edward Pedersen
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